

SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM

SUBJECT: REQUEST FOR (1) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 7.5 FT FOR A EXISTING HOME AND (2) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 7.5 FT FOR A PROPOSED ROOM ADDITION (JAMES BOOK/ROBERT DIETZ, APPLICANTS).

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 05-19-03 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** THE REQUEST FOR (1) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 7.5 FT FOR A EXISTING HOME AND (2) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 7.5 FT FOR A ROOM ADDITION (JAMES BOOK/ROBERT DIETZ, APPLICANTS); OR
2. **DENY** THE REQUEST FOR (1) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 7.5 FT FOR A EXISTING HOME AND (2) SIDE YARD SETBACK VARIANCE FROM 10 FT TO 7.5 FT FOR A ROOM ADDITION (JAMES BOOK/ROBERT DIETZ, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(District 3 – Commissioner Van Der Weide)

(Kathy Fall, Senior Planner)

GENERAL INFORMATION	APPLICANT: ROBERT DIETZ OWNER: JAMES BOOK LOCATION: 9505 BEAR LAKE CIRCLE ZONING: R-1AA (SINGLE-FAMILY DWELLING DISTRICT)
BACKGROUND/ REQUEST	<ul style="list-style-type: none">• THE APPLICANTS PROPOSE TO CONSTUCT A ROOM ADDITION TO THE REAR OF AN EXISTING HOME.• TO CONSTRUCT THE ADDITION AS PROPOSED, A VARAINCE FROM THE MINIMUM SIDE YARD SETBACK WOULD BE REQUIRED FOR THE EXISTING HOME TO MAKE IT CONFORMING.• THE EXISTING HOME WAS CONSTUCTED IN 1956 AND PRIOR TO THE ADOPTION OF COUNTYWIDE ZONING.
STAFF FINDINGS	<ul style="list-style-type: none">• THE SEMINOLE COUNTY LAND DEVELOPMENT CODE

	<p>SEC. 30.1348(B) STATES THAT BUILDINGS OR STRUCTURES OR USES OF LAND WHICH ARE NONCONFORMING SHALL NOT BE EXTENDED OR ENLARGED. THIS SECTION REQUIRES THE EXISTING HOUSE TO RECEIVE A VARIANCE FOR ITS ENCROACHMENT INTO THE SIDE YARD SETBACK, THEREBY ELIMINATING ITS NONCONFORMING STATUS, BEFORE A VARIANCE CAN BE GRANTED FOR THE ADDITION.</p> <ul style="list-style-type: none">• THE COUNTY CREATED THE HARDSHIP FOR THE EXISTING HOME BY ADOPTING A 10 FOOT SIDE YARD SETBACK FOR THE R-1AA DISTRICT AFTER THE HOME WAS CONSTRUCTED UNDER THE PREVIOUS 7.5 SIDE YARD SETBACK STANDARD.• THE REQUESTED VARIANCE FOR THE PROPOSED ROOM ADDITION IS NOT THE MINIMUM VARIANCE THAT WOULD ENSURE THE REASONABLE USE OF THE PROPERTY. THE APPLICANT COULD CONSTRUCT THE ADDITION TO THE REAR OF THE EXISTING HOME WITHOUT ENCROACHING INTO THE SIDE YARD SETBACK.• THE APPLICANT HAS FAILED TO DEMONSTRATE A HARDSHIP FOR THE ROOM ADDITION, BASED ON THE STANDARDS FOR GRANTING VARIANCES.
STAFF RECOMMENDATION	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT APPROVE THE VARIANCE REQUEST FOR THE EXISTING HOME, DENY THE REQUEST FOR THE ROOM ADDITION AND MAKE THE APPROPRIATE FINDINGS OF FACT FOR ITS DECISION. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE FOR THE EXISTING HOME AND ROOM ADDITION STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none">• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING HOME AND PROPOSED ADDITION AS SHOWN ON THE ATTACHED SITE PLAN.• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.

BEAR LAKE CIRCLE

SE CORNER OF
NE 1/4 OF SEC 14, T21N, R29E

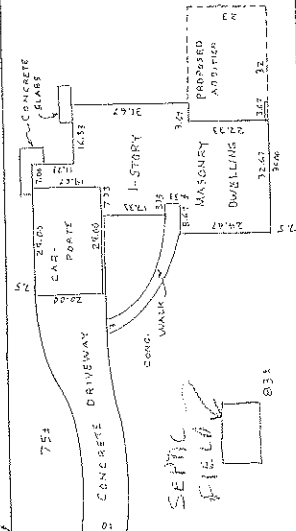
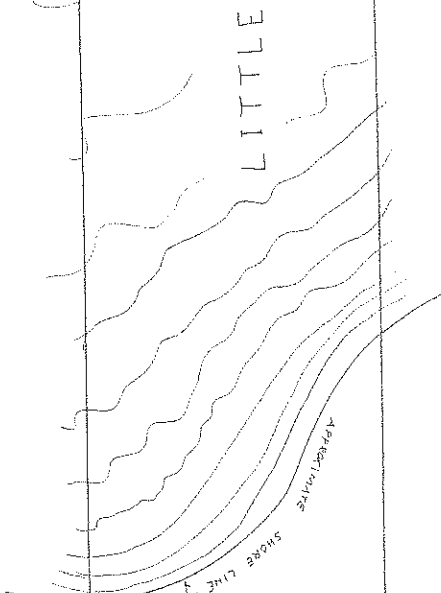
LOT 8

LOT 9

LOT 10

S 89° 58' 00" E - 630.21

S 89° 58' 00" E - 637.83



NOTES:

- 1 - COPIES OF THIS SURVEY ARE IN HAND UNLESS EMBOSSED WITH THE ENGINEER SEAL OF THE SURVEYOR/ENGINEER
- 2 - THIS SURVEY WAS PREPARED BY:
GUSTAV A. RIMMEL, III
227 BRONZE LEAF COURT
APOPKA, FLORIDA 32703
TEL. 407-889-0000
- 3 - EASEMENTS WERE NOT ABSTRACTED
- 4 - SURVEY VALID FOR 90 DAYS ONLY.